



Connecticut Coalition Against Domestic Violence

Member Organizations

**The Umbrella Center for
Domestic Violence Services**
Ansonia, CT

The Center for Family Justice
Bridgeport, CT

Women's Center
Danbury, CT

**Domestic Violence Program
United Services**
Dayville, CT

**Network Against Domestic
Abuse**
Enfield, CT

**Domestic Abuse Services
Greenwich YWCA**
Greenwich, CT

Interval House
Hartford, CT

**Chrysalis Domestic Violence
Services**
Meriden, CT

New Horizons
Middletown, CT

Prudence Crandall Center
New Britain, CT

**The Umbrella Center for
Domestic Violence Services**
New Haven, CT

Safe Futures
New London, CT

Domestic Violence Crisis Center
Norwalk, CT

Women's Support Services
Sharon, CT

Domestic Violence Crisis Center
Stamford, CT

Susan B. Anthony Project
Torrington, CT

Safe Haven
Waterbury, CT

**Domestic Violence Program
United Services**
Willimantic, CT

Testimony Regarding

HB 6321, AAC, Adoption and Implementation of the Connecticut Parentage Act

HB 6490, AAC A Grandparent's Right to Visitation with His or Her Grandchild

Judiciary Committee March 8, 2021

Good afternoon Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those who serve them. Our 18 member organizations provide essential services to nearly 40,000 victims of domestic violence each year. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

HB 6321

We appreciate and support the intent of this bill which seeks to, among other things, create meaningful protections and access to legal parentage for all children, including those with unmarried, same-sex, or non-biological parents. However, we do want to caution about unintended consequences that may occur as a result of some of the language included in the bill.

This bill sets forth parameters for the presumption of parentage and establishes "de facto parentage" for the first time in Connecticut. While we certainly understand the inclusion of such language to meet the needs of the intended stakeholders of this measure, it is important to note that these provisions can all easily be misused by abusers, subjecting victims of domestic violence to litigation to protect their child from their abuser claiming to be the presumed or de facto parent of their child.

Domestic violence is a pattern of coercive control that often leaves victims isolated and dependent upon their abuser. When a victim seeks to end an abusive relationship, abusers will often use any tool at their disposal to maintain control over their victim, including children. For victims who are not married to their abuser or whose abuser is not the biological or legal parent of their child, this bill unfortunately provides the abuser with an opportunity to use presumptive or de facto parentage against their victim. Just a threat by an abuser to utilize these proposed provisions could be enough to keep some victims in an abusive relationship, let alone the potential cost to litigate such false claims intended only to harass or control the victim.

We want to acknowledge and thank the proponents of the bill for their willingness to hear our concerns and build in some protections against misuse. It is often difficult to eliminate unintended consequences altogether, and while we do not want to oppose a measure that helps support well-intentioned parents, including LGBT parents, it is incumbent upon us to point out the opportunities presented by the bill to perpetuate abusive behaviors.

HB 6490 - Oppose

This bill seeks to alter existing state law that provides grandparents with a mechanism to petition the court in order to obtain visitation rights with a grandchild, the end result of which would, in some circumstances, remove the fundamental right

(OVER)

of “fit” parents to determine who may visit with their child. Not only is this potentially unconstitutional, but it may also put domestic violence survivors and their children at increased risk for further violence and abuse.

Currently, upon petitioning the court, a grandparent may be awarded visitation rights if they can prove that (1) a parent-like relationship exists between them and the child and (2) that denial of visitation would cause real and significant harm. If the court does find by clear and convincing evidence that the grandparent should be granted visitation rights, current law requires that the court sets the terms of visitation and what issues may be considered when setting those terms. When making those determinations the court may consider the effect on the child of any domestic violence between or among the parents and/or grandparents.

Under the proposed bill, when a child’s parents are divorced, live separate from one another, or one or both are deceased, a grandparent could petition the court for visitation rights with substantially less to prove than would otherwise be required under existing state law when a child’s parents are married and/or living together. There is also nothing in the proposed language that directs the court, under these new petitions, to consider the effect of domestic violence on the child, nor is there mention of other issues the courts should consider when structuring visitation.

This would be troubling for survivors of domestic violence, particularly those who have sole custody of their child. Under the proposed bill, grandparents have a much easier path to obtaining visitation rights which could then be used to provide access to the parent without custody or visitation rights, particularly given that there is no clear guidance in the proposed language about determining the terms of visitation granted to grandparents under these new petitions. If a court has already ruled that the other parent shouldn’t have custody or visitation with the child, by granting visitation to a grandparent with no consideration of past abuse between the parents of the child, they could be jeopardizing the safety of that child.

Further, this proposal seems to disregard that fact that when a parent is choosing to limit or deny visitation with a grandparent, it is likely for very good reason. A person may be denying their own parent visitation with their child because of past abuse they suffered by their parents as a child. Or because the grandparent may be facing challenges, such as substance abuse, that make them unfit for visitation with the child. No consideration of past abuse or whether the grandparent is “fit” for visitation is given in the proposed process included in this bill.

We believe that existing state law provides ample opportunity for grandparents to seek and obtain visitation with their grandchild in circumstances where not granting them visitation would harm the child. Further, existing law comports with the State Constitution and the many legal issues relating to custody that have already been litigated and decided in Connecticut. Creating this new, separate route for grandparents to gain access to a grandchild whose parents are not married and/or living together is unnecessary, unconstitutional, and potentially dangerous.

Thank you for your consideration and please do not hesitate to contact me with questions.

Liza Andrews
Director of Public Policy & Communications
landrews@ctcadv.org